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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 Case No.: 2:13-CV-00759-JAD

9 GREG J. BERKOWITZ and MICHELLE
10 BERKOWITZ,

11 Plaintiff,

12 vs.

13 BAYVIEW LOAN SERVICING, LLC, and DOES 1-
14 10, inclusive,

15 Defendants.

**Order Denying Motion for Withdrawal
of the Reference to the Bankruptcy
Court [#6]**

16 Before the Court is Plaintiffs Greg and Michelle Berkowitz's unopposed Motion for
17 Withdrawal of the Reference to Bankruptcy Court Pursuant to 28 U.S.C. § 157(d).¹ As there remains
18 no bankruptcy case to withdraw, the motion is denied with prejudice.

19 **Discussion**

20 On September 29, 2011, Greg Berkowitz filed a Chapter 7 bankruptcy petition.² On January
21 3, 2012, the bankruptcy court entered an order discharging Debtor Berkowitz.³ On February 5, 2013,
22 Berkowitz filed a motion to reopen the chapter 7 case to determine violations of the discharge
23 injunction and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 against Defendants.⁴
24 Notably, Berkowitz stated that "[t]he filing of an adversary proceeding is not necessary in order to

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26 ¹Doc. 6.

27 ²*In re Berkowitz*, 11-25333-LBR (Bankr. Nev.).

28 ³BK Doc. 19.

⁴BK Doc. 22 at 4-5.

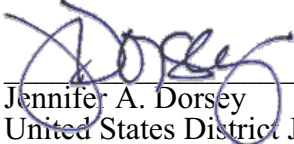
1 seek damages for violations of the discharge injunction or other Court orders. . . ,” and Berkowitz
2 never brought an adversary proceeding before the bankruptcy court.⁵

3 On May 9, 2013, the bankruptcy court entered an order reopening the case for hearing,
4 denying the Berkowitzes’ motion, and instructing the clerk of court to close the case upon entry of
5 the order.⁶ That same day, the bankruptcy court entered a final decree discharging the trustee and
6 closing the case.⁷ There are no further matters pending before the bankruptcy court. For that reason
7 there is no pending matter to withdraw from the bankruptcy court.

8 **Conclusion**

9 Accordingly, IT IS HEREBY ORDERED that the Berkowitz Plaintiffs’ Motion for
10 Withdrawal of the Reference [Doc. 6] is **DENIED** with prejudice.⁸

11 Dated this 16th day of April, 2014.

12 
13 Jennifer A. Dorsey
14 United States District Judge

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26 ⁵*Id.* at 4.

27 ⁶BK. Doc. 33 at 3.

28 ⁷BK Doc. 34.

⁸The Court notes that there are other matters pending in this case and will address those matters in due course.